

**MINUTES - FAMILY LAW COUNCIL
COUNCIL MEETING
Date: Sept. 12, 2015
Place: Doubletree Inn, Novi**

I. Administrative Matters

A. Chair Rebecca Shiemke called Council to order.

18 council members were present: Rebecca Shiemke, Kent Weichmann, Robert Treat, Elizabeth Bransdorfer, Dan Bates, Christopher Harrington, Peter Kulas, Randall Velzen, Steven Reinheimer, Tina Johnson (Yost), Vanessa Moss-Wilson, Sahera Housey, Colleen Markou, Amy Spilman, Gail Towne, Mathew Kobliska, Anthea Papista, Kristin Robinson

Absent: Carol Breitmeyer, Dick Halloran, Matt Catchick

Ex-Officios & Former Council Members: Ross Stancati, Amy Yu, Elizabeth Sadowski, Jim Harrington, Anne Argiroff, Neil Colman

Guests: Jim Chryssikos, Amy Koehler, John Bissell, Emily Klavenski, Nicole Hughes, Rachael Taylor

B. All attendees introduced themselves

C. Chair Report – Chair Rebecca Shiemke reminded the council members that she emailed the fillable record of divorce form. She also stated that upon consultation with Stephanie Benedict, Chair of the Adoption Committee, the Adoption Committee's new name will be "Adoption and Assisted Reproduction Technology." She then invited Kent Weichmann to make a motion regarding approval of providing some Legal Aid Scholarships for the 2015 Family Law Institute, as we have done in years past. See CLE/ICLE, below.

D. Recording Secretary: Bob Treat asked for any revisions to the June 6, 2015 minutes. There being no revisions, he moved for their approval and the motion passed 18-0.

E. Treasurer's Report – No Report.

II. Key Committees

A. Amicus – Co-Chairs Anne Argiroff and Gail Towne - We have been invited by the Supreme Court, along with the business law section, to file an Amicus Curiae brief on the *Allard vs. Allard* case, Docket No. 150891, regarding: (1) Whether MCL 552.23 and MCL 552.401 are inapplicable where the parties entered into an antenuptial

agreement; and (2) whether the real estate held by the plaintiff's limited liability companies, including the marital home, and any income generated by those properties, could be treated as marital assets and, if so, under what conditions. The motion to file a brief, including a discussion of court's ability to consider duress, passed 18-0.

B. Court Rules – Co-Chair Christopher Harrington reporting – The Supreme Court will be conducting administrative hearings on the following Court Rule proposals.

1. **2013-38.** Amendment to MRPC 1.5. Whether the court should adopt “Alternative A” prohibiting “value added” fees in divorce cases; or “Alternative B” allowing “value added” fees in divorce cases. The “value added” fees issue is expected to have a number of qualified speakers already lined up that will offer testimony which is consistent with Council's position.
2. **2014-09.** Whether to adopt the proposed amendments to MCR 7.215 regarding disfavoring citation and use of unpublished opinions. Almost all of the comment reports submitted by other Sections on this ADM file are consistent with Council's official position report concurs with Justice Markman's comments on these proposed amendments. Council opposed the proposed modification to MCR 7.215(C), but did not oppose the amendments to MCR 7.215(A) & (B). After brief discussion it was decided that if a council member came forward and wanted to testify, they could, but almost all reports from other sections are similar to ours, and it is not critical that we have someone there to testify.
3. **2014-11.** Whether to adopt the proposed amendment of MCR 3.613 that would require a minor to sign the name change consent form in front of a judge. Council has not taken a position as yet. Council did not take a formal position on this issue. No official comment report was submitted by council, and there was no motion to support or oppose, in this meeting.

Task Force on Unbundling of Legal Services: Lori Buiteweg advised the committee not to expect a report from the State Bar until March or April.

Consent Orders with no Motion: Kristin Robinson raised an issue regarding Court Rules that still require a motion, even when there is consent by both parties and counsel. E.g. a request to redact pleadings, for which the Court rules require a motion. The cost of filing and appearing may be wasteful, but the committee will look into this and other Court Rules that may be “house cleaning” in nature.

C. Legislation – Chair Kent Weichmann reporting.

HB 4658 This bill requires the Dept. of Treasury to offset support, unpaid taxes, etc. from judgments against the state. The obligation to identify offsets is placed on the dept. of Treasury, rather than plaintiff's attorney, which addresses our concern about the previous version. Council voted to support this bill 18-0.

HB 4731-4733 were introduced by Todd Courser and Cindy Gamrat to eliminate civil marriage ceremonies. HB 4731 eliminates marriage licenses issued by the clerk, and substitutes marriage certificates issued by religious practitioners. HB 4732 requires all marriage ceremonies to be conducted by religious practitioners. HB 4733 allows an affidavit of common law marriage with notarized signatures of both parties to be filed with the clerk. The committee believed that this was not an improvement in current practice. Council voted to oppose these bills 18-0.

HB 4742-4745 enact the updated version of UIFSA, which must be passed or Michigan loses federal child support funding. HB 4742 is UIFSA, which provides for enforcement to and from foreign jurisdictions, and allows parties to agree to keep a case in a state that neither party resides in. HB 4743 updates references in other statutes. HB 4744 updates UIFSA parenting time references, and HB 4745 updates FOC references. Council voted to support these bills 18-0.

HB 4845 changes the 100 mile rule to a 50 mile rule. This will restrict many more moves by either parent, although it will primarily effect primary custodians. In many cases a 50 mile move is within the same school district. The committee felt this was overly restrictive. Council voted to oppose this bill 18-0.

HB 4840-4842 amend the bills that allowed child placement agencies to maintain state funding while discriminating based on religious beliefs. These bills require these agencies to serve all qualified applicants in order to receive state funding. Council voted to support these bills 18-0.

III. Standing Committee Reports

A. Adoption and Assisted Reproductive Technology– No Report

B. Alternative Dispute Resolution (“ADR”) – No Report. Rebecca commented that we may not know whether mediators are using Domestic Violence screening, and requested input on how that might be accomplished. A comment was made that the ListServ might be a good method.

C. Alternative Family – No Report. There was a general discussion of what changes may need to be made now that same sex marriages are recognized and permitted. Kent Weichmann suggested we look into which statutes may

need to be amended. Matt Kobliska stated that surprisingly there did not seem to be many court rules that would need to be changed

- D. Annual Meeting and Dinner – The Annual Dinner will be on October 7th and the Annual Meeting will be October 8th and 9th. Both events will be at the Suburban Collection Showplace in Novi. The “Bare Assets” provide the music for the dinner.
- F. CLE/ICLE – no report. Kent Weichmann to made a motion regarding approval of providing of 13 Legal Aid Scholarships for the 2015 Family Law Institute, as we have similarly done in years past. The motion carried 18-0.
- E. Domestic Violence – Dan Bates discussed briefly the expected activity to be expected over the next year.
- F. Family Court Forum – No Report.
- G. Family Law Journal – No Report.
- H. Family Law Journal Advertising – A number of ideas were put forth. Kristin Robinson will look into them.
- I. Family Support – Kent Weichmann, Carlo Martina and Amy Yu are on the committee. Kent briefly discussed depreciation and personal exemptions, and how the new child support formula might change.
- J. Membership – Steve Reinheimer reminded the Council that there were amendments to the by-laws to be taken up at the Annual Business meeting, regarding dues for law students and new lawyers. Christopher Harrington reported that the section now has 3,007 members.
- K. Mid-Winter/Mid-Summer Seminars
 - a. Mid-Winter – The seminar is sold out.
 - b. Mid-Summer – Liz Bransdorfer reported that there were 63 attendees this year and that it was a very successful seminar. She stated that it would be good to grow attendance even more. She also stated that the committee is considering where to hold the seminar next summer.
- L. Political Action Committee – Committee Chair Ross Stancati stated that it is now a new year for PAC purposes, and he called for contributions.
- M. QDRO/Taxation – No report
- N. Technology/Social Networking/Website – Liz Sadowski led a discussion regarding the updates to our website, and requested input on how to better reach our membership to use the website to help families.

IV. Ad Hoc Committees

- A. Judicial Recognition – No Report.

V. E-Votes

- A. On June 19, 2015, Rebecca moved that Council contribute to ICLE \$2500 to sponsor its new lawyer program at the Family Law Institute so that 50 new lawyers may attend at the reduced rate of \$195. Bob seconded the motion. It passed 21-0.
- B. On July 30, 2015, Rebecca moved that Council approve a contract with Bill Kandler's firm, KRKM, agreeing to pay \$5000 monthly from August 1, 2015 through July 31, 2017. Kent seconded the motion. It passed 21-0.

V. Announcements

Lori Buiteweg's inauguration as the 81st State Bar of Michigan President will be on October 8th at the SBM Annual Meeting at the Suburban Collection Showplace in Novi. The inaugural luncheon will follow. This is from 12:00 – 2:00.

VI. Future Council Meetings

The next will be at 9:00 a.m. at the SBM Annual Meeting On Oct. 8 at the Suburban Collection Showplace in Novi. Officer and council member elections will be held at this meeting.

VII. Adjournment

Respectfully submitted,
Robert Treat, Recording Secretary
September 12, 2015